



Clearing and Grading Permits

28



A DDES Customer Information Bulletin



King County Department of Development and Environmental Services
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<http://www.metrokc.gov/ddes/>

Frequently Asked Questions

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

Clearing and grading permit requirements

This bulletin explains when you must obtain a clearing and grading permit and identifies the information you are required to submit to complete your permit application. Applications that are not completed according to these requirements will not be accepted for review. Clearing and grading regulations are outlined in King County Code (K.C.C.) chapter 16.82 (Ordinance No. 11618).

To apply for a permit, contact the Land Use Services Division (LUSD) at the Department of Development and Environmental Services (DDES). You will need to call LUSD at 206-296-6640 to schedule a pre-application review appointment (for additional information regarding the pre-application appointment, refer to page 3).

Do I need a clearing and grading permit?

You will need to obtain a clearing and grading permit before doing any of the following land clearing, filling, and/or grading activities on your property (for exemptions, refer to the exceptions listed on page 2):

1. Accumulative filling and/or excavation exceeding 100 cubic yards.
2. Filling to a depth of three feet or more in any one location.
3. Excavating to a depth of five feet or more in any one location.
4. Clearing, filling, or excavating, in any quantities, in a shoreline area, on steep slopes, in wetlands, or into or next to any body of water, including streams or drainage courses, or any other sensitive area as defined in K.C.C. chapter 21A.24, Environmentally Sensitive Areas.

Frequently Asked Questions

5. Clearing, filling, or excavating subject to special district overlays in an adopted community plan, in a critical drainage area established by administrative rule, or in wildlife habitat corridors as specified in K.C.C. chapter 21A.14, Development Standards-Design Requirements.

6. Class IV Forest Practice.

If you do not obtain a permit, you may be in violation of King County Code. Penalties for violations include fines, double permit fees, denial of development applications for up to six years, and/or prosecution.

Whether or not a permit is required, all clearing, filling, or grading must conform to King County Code requirements and must control erosion and protect adjacent properties. With regard to fill, only earthen materials with a maximum dimension of less than 18 inches are acceptable.

If your plans include any of the clearing, excavation, or fill activities described above, or if you have additional questions that are not answered by the information presented in this bulletin, contact the Land Use Services Division's Clearing, Grading, and Sensitive Areas General Questions Line at 206-296-6759.

Exceptions

K.C.C. 16.82.050 lists exceptions to the requirements for a clearing and grading permit. The following partial list pertains to most permit applications. A separate clearing and grading permit is **not** required under the following circumstances:

1. When an excavation or fill for basements and footings for any structure is authorized by a valid building permit. However, fill made up of materials from the excavation, or any excavation having an unsupported height of more than five feet after completion of the structure, is not included in this exception.

See K.C.C. 16.82.050 for exceptions pertaining to excavations less than five feet in vertical depth, or to fill less than three feet in depth, when no more than 100 cubic yards of earth/material is involved for each type of work.

NOTE: For this exception to apply, work must be performed **outside** a sensitive area and **outside** tracts or easements for a wildlife habitat corridor.

2. When maintenance or reconstruction of rail lines involved in interstate commerce (if consistent with the requirements of K.C.C. 16.82.110) are within the existing right-of-way, provided that the clearing and grading is outside of a sensitive area.

3. When grading is within a public owned road right-of-way.

4. For cemetery graves, outside of sensitive areas.

5. When clearing or grading is for roads that are within a preliminary or final-approved and bonded residential subdivision.

6. When the clearing and grading is within an approved and bonded residential subdivision and does not involve

Frequently Asked Questions

an excavation exceeding five feet or fill exceeding three feet in vertical depth, provided the clearing and grading lie outside of a sensitive area regulated in K.C.C. chapter 21A.24. This exception does not apply to clearing and grading within an area placed into tracts or easements for a wildlife habitat corridor as specified in K.C.C. chapter 21A.14, unless the proposed activity is otherwise exempt under K.C.C. chapter 21A.24.

7. For maintenance of existing driveways or private access roads within their existing road prisms, provided that performance and restoration requirements comply with K.C.C. chapter 16.82 and that best management practices are used to protect water quality.

8. When clearing and grading is performed as Class II, III, or IV Special Forest Practice in an F (Forestry) zone and is conducted in accordance with RCW 76.09 and WAC 22.

9. For any clearing or grading that has been approved by the DDES Director as part of a Commercial Site Development permit and for which a bond has been posted.

Exemptions

There are a few activities that are exempt from the clearing requirements listed above, and for which no permit is required. Examples of such exemptions include the following:

- ◆ Emergency tree removal to prevent imminent hazard to persons or property;
- ◆ Normal and routine maintenance of existing lawns and landscaping, if the use of pesticides in sensitive areas conforms to restrictions outlined in K.C.C. chapter 21A.24; and
- ◆ Permitted agricultural uses, provided that sensitive area requirements are met.

How do I get a clearing and grading permit?

Fees and specific submittal requirements for your project(s) will be determined during the pre-application meeting. Please note that applications will not be accepted without a pre-application review. Call 206-296-6640 to schedule an appointment.

At the pre-application meeting, it is important to determine everything that must be submitted for the application to be considered complete. Review of your application will not begin until all application materials have been submitted.

Please note that verification of the applicant is now required per King County Ordinance 11700 (March, 1995). The Certification of Applicant Status form is used to ensure that the property owner is aware that an application has been made to develop his/her property and to document the name of the legal applicant, as well as any consultants. The legal applicant is the individual or group authorized to receive plans and correspondence from King County. When the applicant is someone other than the property owner, the Certification and Transfer of Applicant Status form is used to transfer applicant status to an agent. This form must include authorization from the legal property owner.

To expedite the process, you should bring the following documents to the pre-application review meeting:

A completed application form: Obtain an application form and fill it out completely prior to the pre-application review meeting. One completed and signed copy of the form must be submitted.

Frequently Asked Questions

An Environmental Checklist: If you are not sure whether or not an environmental checklist is required for your project, contact the Land Use Services Division at 206-296-6640. If the project was covered under a prior determination, provide one copy of the determination and the associated checklist or environmental impact statement, along with any written decisions regarding appeals.

If the project is not covered under a prior determination, the following instructions apply:

- ◆ Submit 15 copies of the signed and completed environmental checklist.
- ◆ Submit any other documents associated with environmental review, such as wetland studies, geotechnical studies, environmental audits, etc.
- ◆ Submit assessor's maps showing all properties within a 500-foot radius of the property boundaries.

Site Clearing, Grading, and Erosion Control Plans

The first sheet of the plans must show the vicinity map and legal description of the property. Plans must be folded to fit into an 8½ x 14-inch folder and must include the following information:

1. A legal description of the property (you can get this from the King County Department of Assessments).
2. A north arrow.
3. A vicinity map drawn to a scale of approximately one inch equals 2,000 feet that is in sufficient detail to clearly locate the project in relation to arterial streets, natural features, landmarks, and municipal boundaries.
4. Grading plan scale (horizontal and vertical).
5. The size and location of existing improvements within 50 feet of the project, indicating which will be retained and which will be removed.
6. Property boundaries, easements, setback requirements, and clearing limits (e.g., floodplains, shorelines, etc.).
7. Existing and proposed contours (maximum 5-foot intervals) that extend 100 feet beyond the edge of the project.
8. At least two cross-sections, one in each direction, showing existing and proposed contours and the horizontal and vertical scales.
9. The location of areas affected by clearing restrictions when such areas are contained within any of the following:
 - Wildlife habitat corridors, as specified in K.C.C. chapter 21A.14.
 - A critical drainage area established by administrative rule.
 - Special district overlays in an adopted community plan.
10. Clear marking of any open space tract or conservation easement (per K.C.C. chapter 21A.14).
11. Give the total area to be cleared on site as a percentage of the total site area.
12. Show temporary and permanent erosion-sediment control facilities. Temporary facilities (i.e., silt fence, mulching, netting, sediment ponds, etc.) must be designed to control runoff during clearing and grading. Permanent facilities (i.e., revegetation, detention ponds, biofiltration swales, etc.) must be designed to control erosion after grading is complete. All facilities must be designed in accordance with the current King County Surface Water Design Manual.
13. A stamp and signature from a registered civil engineer, licensed to practice in the State of Washington, must appear on the following information:
 - Plans that include permanent drainage facilities;
 - Plans for work in landslide hazard areas; and
 - Plans prepared in conjunction with the proposed construction or placement of a structure.

Frequently Asked Questions

Other Requirements

1. Plan review fees must be paid at the time of permit application. Before permit issuance, the remaining fee balance, any bonds or insurance, and verification that property taxes are current will be required.
2. If access to the property is from a state highway, a State Highway Access Permit must be obtained from the Washington State Department of Transportation.
3. If permanent drainage facilities are proposed, a separate storm drainage plan must be submitted. Consult Chapter 9.04 of the King County Code and the current Surface Water Design Manual for specific design criteria.
4. Two copies of the soils report or geotechnical evaluations prepared for the site must be provided. This provision may be waived for certain permits if the proposed grading is not intended to provide structural support, is not located in a hazard area (landslide, seismic, steep slope, or coal mine), and a covenant is placed in the title advising of the nature of any fill.
5. Copies of any correspondence with King County regarding the project or site must be provided.
6. Copies of any approvals or permits granted by other agencies, such as the Washington State Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Natural Resources, Washington State Department of Ecology, etc., must be provided.
7. Earthwork calculations must be submitted with the application if the earthwork quantities are greater than 3,000 cubic yards or the disturbed area is greater than one acre. If the project is located in a no-burn zone, or clearing will be done outside the normal burning season, or building demolition will be completed as part of the initial site development, a description of the proposed clearing/demolition waste management plan must be provided.
8. A vegetation management plan must be provided if the sensitive areas code (K.C.C. chapter 21A.24) applies to your project. If King County Code requires preservation of existing vegetation, submit a plan in accordance with K.C.C. 21A.24.150. The vegetative management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan, if other codes or regulations require either of these plans. The vegetation management plan must clearly show the following:
 - ◆ The proposed clearing limits for the project and any areas where vegetation in a sensitive area or its buffer will be disturbed.
 - ◆ When any merchantable stand of timber (as defined in WAC 222-16-010[28]) will be cleared, a description of the proposed logging practices that demonstrates how all sensitive areas will be protected in accordance with K.C.C. chapter 21A.24.

See K.C.C. 21A.24.150 for additional information about marking clearing limits on the field.

If you have any questions regarding clearing or grading permits, call the Land Use Services Division at 206-296-6640 or the Clearing, Grading, and Sensitive Areas General Questions Line at 206-296-6759.

Frequently Asked Questions

Summary of submittal requirements

Applications not subject to prior land use action:

1. When an environmental review is necessary, but is not yet complete, submit the following:

- ◆ One completed application and forms to verify the legal applicant
- ◆ Fifteen copies of the environmental checklist and associated documents
- ◆ Ten complete sets of plans
- ◆ Two copies of the soils report or geotechnical evaluation
- ◆ Two copies of supporting calculations
- ◆ Two copies of supporting erosion control calculations
- ◆ One affidavit concerning sensitive areas compliance
- ◆ One Certificate of Applicant Status form

2. When the environmental review is completed, or being processed through another permit, or the property is categorically exempt, submit the following:

- ◆ One completed application and form to verify the legal applicant
- ◆ One copy of the environmental checklist, previous SEPA determination, and associated file numbers
- ◆ Four sets of complete plans
- ◆ Two copies of the soils report or geotechnical evaluation
- ◆ Two copies of supporting erosion control calculations
- ◆ One affidavit concerning sensitive areas compliance

Applications subject to prior land use action (rezone, unclassified use, conditional use, shorelines, or special use, etc.):

- ◆ One completed application and form to verify the legal applicant
- ◆ One copy of the environmental checklist, determination, and associated documents
- ◆ One copy of the Hearing Examiner's land use decision
- ◆ Four sets of complete plans
- ◆ Two copies of the soils report or geotechnical evaluation
- ◆ Two copies of the supporting erosion control drainage calculations (if applicable)
- ◆ One copy of supporting calculations, as required
- ◆ One affidavit concerning sensitive areas compliance

Frequently Asked Questions

Other bulletins and telephone numbers that may be helpful

Bulletin 1	Building and Development Permit Telephone Numbers
Bulletin 8	Commercial and Multi-family Building Permits
Bulletin 9	Obtaining a Residential Building Permit
Bulletin 12	The Residential Building Permit Process
Bulletin 17A	Zoning Code: Overview and Summary
Bulletin 21	Sensitive Areas Review
Bulletin 26	The SEPA Process
Bulletin 29	Drainage Review
206-296-6600	DDES Information
206-296-6640	Land Use Services Division
206-296-6759	Clearing, Grading & Sensitive Areas General Questions Line



King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6693 or TDD 206-296-7217.